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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,040	02/12/2002	Youichi Hanakawa	1553-017	3014

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EXAMINER

DICUS, TAMRA

ART UNIT PAPER NUMBER

1774

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,040

Applicant(s)

HANAKAWA, YOUICHI

Examiner

Tamra L. Dicus

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Examiner acknowledges cancellation of claims 1-6 and 14. The prior Office action is withdrawn due to Applicant's amendments. Thus a new ground of rejection is presented below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-13, and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable by USPN 5,989,667 to Tayebi.

3. Tayebi provides a postable sticker having two sides which is surfaced on one side (other of said major surface is free of adhesive material) with releaseable adhesive (such as pressure sensitive or temporary adhesive coatings), allowing for easily releaseable separation from the surfaces to which it is attached. The postable stickers are in stacks. See col. 3, lines 20-26 and 50-55. In Figure 5D, Tayebi shows an adhesive design in this order from top to bottom: a first adhesive adjacent an edge (toward the top) (8), a first area free of adhesive (9) (instant claim 13), a second adhesive (towards the middle) (8) and a second area free of adhesive (at the bottom) (9) on the surface of a sheet. The adhesives are rectangular and extend parallel to the opposite and

adjacent edges of the sheet as required by instant claims 11 and 24. See also col. 3, lines 1-25, lines 49-68, and col. 4, lines 1-6 and lines 43-48. Tayebi also provides wherein said first and second adhesive regions include adhesives that releasably adhere to a material of another major surface (another surface of sheets), so that said sticker can be peeled off a stack of multiple stickers identical to said sticker as according to instant claim 14. See col. 4, lines 43-48. Also shown in Figure 5D, the opposite edge of the sheet material is free of adhesive as per instant claim 15.

4. The widths measured in direction L wherein a width of said second area, as measured in a direction from the edge adjacent to the first adhesive region to the opposite edge, is not said to be larger than a width of said second adhesive region, as measured in said direction. A width of said first area as measured in said direction, is not said to be smaller than the width of said second area as instant claim 12. To instant claims 9 and 21, a third adhesive region being spaced between a first and second adhesive region is not expressly stated in those words. Tayebi also does not expressly teach a width of 15 mm (instant claim 8) or a width of a second area is about one-fifth or more of a length of a sheet material (instant claim 10). However, Tayebi teaches a plurality of adhesive areas (8) (implying more than one area and making it obvious to include a third area) can be the same or different sizes as well as the adhesive free areas (9) size also. This teaching also suggests the length and widths of both adhesive and adhesive free areas can change. Tayebi explains that tear lines 10 are around areas (8) and (9) are spaced to function for use. Thus, changes in widths are merely optimizable. It would have been obvious to one of ordinary skill in the art to modify the length or distance of adhesive or adhesive free areas because it has been held that discovering an optimum value of a result effective variable involves

only routine skill in the art. *In re Boesch*, 617 F.2d 272. The width effects the coverage area and thereby the overall releasability of the sheet and how the sheet is separated for use as explained by Tayebi at col. 3, lines 55-68 and col. 4, lines 1-7.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant has amended the claims to state there is no adhesive on the other side of the sticker, thus Tayebi is now presented to teach this requirement.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.


Art Unit: 1774

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamra L. Dicus
Examiner
Art Unit 1774

October 21, 2004


RENA DYE
SUPERVISORY PATENT EXAMINER 11/1/04
A-U. 1774